

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

14 January 2013

PAK104253.E

Pakistan: Information on marriage registration, including mixed marriages
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

Sources state that the government of Pakistan does not recognize common law marriages (US 2012, 7; Evangelical Asian Church Toronto 12 Dec. 2012). One of these sources also states that the government of Pakistan does not recognize civil marriages (US 2012, 7). However, in 3 January 2013 correspondence with the Research Directorate, an academic at McGill University, who specializes in Islamic law and the history of Pakistan, indicated that civil marriages are "accepted in Pakistan legally," but the "social acceptance" is very low. In 4 January 2013 correspondence with the Research Directorate, a representative of the Evangelical Asian Church Toronto, which serves Pakistani and Indian Christians (Evangelical Asian Church Toronto n.d.), by promoting religious freedom, human rights and assisting immigrants, refugees, youth and "persecuted" communities (ibid. 21 Dec. 2012), corroborated the above information provided by the academic.

Marriages are registered and performed according to a person's religious group (Evangelical Asian Church Toronto 12 Dec. 2012; US 2012, 7). However, sources indicate that religious minorities face problems when registering their marriages (Jinnah Institute 27 July 2011; UN 14 May 2012, 34-36). Jinnah Institute, an NGO and think tank based in Pakistan (Jinnah Institute n.d.), states that without a marriage registration certificate, individuals are not entitled to receive [Computerized National] Identity Cards (CNIC), vote or obtain state entitlements (ibid. 27 July 2011). The US Department of State's *International Religious Freedom Report for 2011* also reports that in the absence of marriage registration, women "faced difficulties in getting a share of their parents' and husbands' property, accessing health services, voting, obtaining a passport, and buying or selling property" (US 2012, 16).

1.1 Forced Marriages

Sources indicate that the legal age of marriage in Pakistan is 18 for men and 16 for women (US 24 May 2012, 49; UN 14 May 2012, 32). However, forced marriage and child marriage practices in Pakistan remain a problem (US 24 May 2012, 45, 49; Freedom House 2012). A UN High Commissioner for Refugees' report indicated that Christian and Hindu women and girls were at risk of forced conversion to Islam and forced marriage by Muslim men (UN 14 May 2012, 28, 32). Asian Human Rights Commission (AHRC) also reports instances of forced conversion and forced marriages faced by Christian and Hindu girls (AHRC 25 Oct. 2011). For additional information on forced conversion in Pakistan please refer to Response to Information Request PAK104258.E.

The Prevention of Anti-women Practices Act of 2011 criminalizes forced marriages and child marriages (Pakistan 6 Aug. 2012, 9-10). Forced marriage is punishable by up to 10 years imprisonment (UN 14 May 2012, 29; Pakistan 6 Aug. 2012, 9-10) and a fine of 500,000 Pakistani rupees [C\$5,061.95 (XE 12 Dec. 2012)] (Pakistan 6 Aug. 2012, 9-10). However, the US Department of State's *Country Reports on Human Rights Practices for 2011* states that "[a]lthough forced marriage is a criminal offense and many cases were filed, prosecution remained a problem" (US 24 May 2012, 45). The UN report also indicates that law enforcement authorities are reluctant to investigate allegations of forced conversions and forced marriages (UN 14 May 2012, 32).

1.2 Marriages to the Qur'an

Sources also report cases of marriages to the Qur'an (US 24 May 2012, 45; *Daily Times* 1 Dec. 2011; ibid. 13 Mar. 2007). This tradition is known as "Haq Bakshish," which translates "giving up the right to marry" (ibid.). *Country Reports for 2011* explains that

[i]n rural Sindh landowning families continued the practice of "marriage to Qur'an," forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Qur'an remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. These women were expected to stay in the home and not to contact anyone outside their families. (US 24 May 2012, 45)

The academic also noted that the practice is used in order to deny the woman her inheritance, so the "feudal estate" remains under the control of the male members of the family (3 Jan. 2013). According to him, the tradition is common among feudal landlords in Sindh province (Academic 3 Jan. 2013.). The *Daily Times*, a Karachi-based English-language newspaper, also reports that the tradition is common in Sindh and in parts of Punjab and is often practiced by feudal families such as "Syeds" [also spelled Sayyids] who are "often reluctant to allow women to marry into non-Syed families" (13 Mar. 2007). The academic explained that Syeds "are considered to be a spiritually elite class that claims descent from the Prophet's family" (3 Jan. 2013). According to the *Daily Times*, this practice remains "in secrecy within families and it is difficult to determine precise details or the exact numbers" of marriages to the Qur'an (13 Mar. 2007). Further information on the number of marriages to the Qur'an could not be found among the sources consulted by the Research Directorate.

According to the Prevention of Anti-women Practices Act 2011, the so-called "marriage to the Quran" is punishable by an imprisonment of 3 to 7 years (Pakistan 6 Aug. 2012, 10). Further information on the implementation of the Prevention of Anti-women Practices Act of 2011 could not be found among the sources consulted by the Research Directorate.

2. Inter-religious Marriages

Freedom House reports that most inter-religious marriages are considered illegal (Freedom House 2012). In a 12 December 2012 correspondence with the Research Directorate, the representative of the Evangelical Asian Church in Toronto stated that inter-religious marriages are not accepted by the majority of the population in Pakistan (Evangelical Asian Church Toronto 12 Dec. 2012). The representative noted that inter-religious couples face discrimination and violence (ibid.). The *International Religious Freedom Report for 2011* reports cases of attacks against minority groups in protest of inter-religious marriages or relationships (US 2012, 20). For instance, in November 2011, four Hindu men were killed by about 10 armed men in Chak town of Shikarpur District, Sindh (ibid.). According to the report, "the attack was in reaction to an alleged relationship between a Hindu man and a Muslim woman" (ibid.). Further information on the results of investigations and other attacks could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

However, sources indicate that marriages between Muslim men and Christian or Jewish women are allowed by Islam (Academic 5 Dec. 2012; Evangelical Asian Church Toronto 12 Dec. 2012). The academic and the representative of the Evangelical Asian Church Toronto both explained that Jewish or Christian women do not have to convert to Islam to marry Muslim men (ibid. 4 Jan. 2013; Academic 3 Jan. 2013).

Marriages between Muslim women and non-Muslim men are considered illegal (ibid. 5 Dec. 2012). The representative of the Evangelical Asian Church in Toronto corroborated the above information (12 Dec. 2012). According to the academic, a non-Muslim man has to convert to Islam in order to marry a Muslim woman (3 Jan. 2013). Further information on inter-religious marriages could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Marriage Registration

Sources indicate that *Nikah Nama*, a "marriage certificate" for Muslims (US n.d.; BBC 17 Feb. 2011) or "marriage contract" (Academic 5 Dec. 2012; Pakistan Jurist 5 Apr. 2012), is issued by Nikah Registrar (US n.d.; Academic 5 Dec. 2012). Nikah Registrar, or "marriage registrar" (Lahore n.d.), is appointed by the municipality, Panchayat Committee, Cantonment Board or Union Council (US n.d.; BBC 17 Feb. 2011). The Union Council is located in every municipality (Belgium n.d.; Academic 5 Dec. 2012). The Pakistan Jurist, a website created by Pakistani legal firm AHS - Advocates & Legal Consultants (Pakistan Jurist n.d.a), explains that Nikah Nama is a "legal document certifying the solemnization of marriage between a husband and a wife" (ibid. 5 Apr. 2012). The Pakistan Jurist points out that, according to the Muslim Family Laws Ordinance 1961, which applies to all Muslim Pakistani citizens (ibid. n.d.b), Nikah Nama must be registered with a local Union Council, where an original copy of Nikah Nama is kept as public record (ibid. 5 Apr. 2012). According to the Pakistan Jurist, individuals may obtain a copy of the Nikah Nama at the Union Council by paying a prescribed fee (ibid. n.d.b). A Nikah Nama form, obtained by the academic from the Nikah Registrar in Lahore in December 2012, includes the following: address where the marriage took place, names of bride and groom and their addresses, names of their fathers and their addresses, age of the bride and her National Identification Card number, information on whether the bride and the groom have been married before and whether they have any children, names of the representatives of the bride and the groom, if any, and of the witnesses of the appointment of the representatives, date of the marriage registration, name of the person who solemnized the marriage and his or her signature, registration fee paid, signatures of the bride, the groom and their representatives and their witnesses, and seal and signature of the Nikah Registrar (Lahore n.d.). Information on whether the same form is used across the country could not be found among sources consulted by the Research Directorate within the time constraints of this Response.

The Pakistan Jurist indicates that the Muslim Family Laws Ordinance 1961 does not apply to non-Muslim citizens of Pakistan (Pakistan n.d.b). Several sources report that there is no legal mechanism to register marriages of Hindus and Sikhs (Jinnah Institute 27 July 2011; *The Hindu* 1 Aug. 2011; UN 14 May 2012, 34, 36), Baha'is [also spelled Baahis] (ibid. 37; Jinnah Institute 27 July 2011) and Parsis (ibid.). However, other sources state that marriage certificates for Christians, Hindus or Parsis are issued by church or temple leaders and registered with local authorities (US n.d.; BBC 17 Feb. 2011). Both sources note that non-Muslims can make their marriage part of the civil record and have their certificates prepared and witnessed by magistrates (ibid.; US n.d.). The representative of the Evangelical Asian Church Toronto corroborated the above information (4 Jan. 2013). Further information on the marriage certificates for non-Muslims could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the following were unsuccessful: academics at the Lahore University and University of Birmingham; Department of Religion, Concordia University; Human Rights Commission of Pakistan; Human Rights journalist; International Peace Committee for Interfaith Harmony; lawyers in Pakistan; consulates of Pakistan in Chicago, Houston, Los Angeles, Montreal, New York, Vancouver, embassies of Pakistan in France, Germany, Russia, Spain, Switzerland, Washington DC, High Commission of Pakistan in Ottawa, Honorary Consulate General of Pakistan in Boston, Ministry of Interior, National Database and Registration Authority; Pakistan Society of Criminology.

Officials of the High Commission of Canada in Pakistan and Consulate General of Pakistan in Toronto were unable to provide information within the time constraints of this Response.

Internet sites, including: BBC; CNN World; Council on Foreign Relations; *Daily Times*; Department of Classic and Religious Studies, University of Ottawa; Department of Religion, Concordia University; *The Economic Times*; Emory University Law School; *The Express Tribune*; Factiva; Freedom House; *Frontier Post*; *The Huffington Post*; *The Indian Express*; Institute for Human Rights, Finland; Institute of Islamic Studies, McGill University; International Peace Committee for Interfaith Harmony; Islamic Legal Studies, University of Harvard; Mumtaz and Associates law firm, Pakistan; Muslim Unity; Muslim Women's League; Muslims of Calgary; *The Nation*; Norwegian Country of

Origin Information Centre; *Nyasa Times*; Ottawa Public Library; Overseas Pakistanis Foundation; Pakistan – Civil Service of Pakistan, consulates general of Pakistan in Montreal and New York, Embassy of Pakistan in Washington, DC, Federal Board of Revenue, Human Rights Commission of Pakistan, Ministry of Finance, Ministry of Information and Broadcasting, Ministry of Interior, National Assembly of Pakistan, National Database and Registration Authority, National Peace Committee for Interfaith Harmony, National Reconstruction Bureau; Pakistan Society of Criminology; Pakmarriages; SafraProject; Sindh Judicial Academy, Pakistan; Social Science Research Network; South Asian Association for Regional Cooperation; *The Telegraph*; *Tribune*; University of Ottawa Library; UN – Office of the High Commissioner for Human Rights, Refworld; US – Department of State, Embassy of the United States in Islamabad, Library of Congress; Women Living Under Muslim Laws.

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Date modified: 2013-07-17

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